

Message Text

CONFIDENTIAL

PAGE 01 LIMA 07358 041659Z

61

ACTION EB-11

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R 041620Z SEP 74

FM AMEMBASSY LIMA

TO SECSTATE WASHDC 1742

C O N F I D E N T I A L LIMA 7358

E.O. 11652: GDS

TAGS: ETRN, PE

SUBJECT: CIVAIR - BILATERAL CONSULTATIONS

REFS: LIMA 7276, STATE 182087

1. DEL SOLAR OF BRANIFF CALLED ON AMBASSADOR SEPTEMBER 3 TO BRING HIM UP TO DATE ON LATEST DEVELOPMENTS WHICH ARE PROCEEDING IN TWO SEPARATE, IF RELATED DIRECTIONS. IN FIRST INSTANCE, DEL SOLAR SAID THAT HE HAS SEEN A COPY OF MINISTER OF TRANSPORT MENESES' INTERNAL LETTER OF AUGUST 17 TO FOREIGN MINISTER DE LA FLOR, OUTLINING THE TRANSPORT MINISTER'S VIEWS ON BILATERAL AIR TRANSPORT NEGOTIATIONS. ACCORDING DEL SOLAR, MENESES' LETTER MAKES FOLLOWING THREE POINTS: FIRST, BRANIFF'S OFFICIAL OPERATING PERMIT HAD PREVIOUSLY BEEN REVOKED AND IS NO LONGER VALID; SECOND, BRANIFF HAS NOW "REGULARIZED" ITS STATUS IN APPLYING FOR RENEWAL OF ITS OPERATING PERMIT (THIS REFERS TO LEGAL NOTARIZED ACT REQUIRED BY MINISTER OF TRANSPORT WHICH BRANIFF HAD FAILED TO OBTAIN WHEN IT FIRST SUBMITTED ITS REQUEST--IT THEN SUBMITTED THE REQUEST WITH THE NOTARIZED ACT COMPLETED); AND THIRD, AND MOST IMPORTANT, THAT ALL QUESTIONS RELATED TO THE PAYMENT OF THE 20 PERCENT TAX ON FIFTH FREEDOM FLIGHTS AS WELL AS NEW FREQUENCIES WOULD BE DEALT WITH IN THE FORTHCOMING BILATERAL CONSULTATIONS. DEL SOLAR SAID THAT FOREIGN MINISTRY HAD NOT ACTED ON THIS LETTER IN THE ABSENCE OF DE LA FLOR FROM THE
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PAGE 02 LIMA 07358 041659Z

COUNTRY BUT THAT LATTER HAD RETURNED LAST SATURDAY SO THAT WE

COULD EXPECT SOME RESPONSE FROM FOREIGN MINISTRY IN THE NEAR FUTURE.

2. HOWEVER, ON SEPARATE TRACK, DEL SOLAR ALSO TOLD US THAT FOLLOWING THE RECENTLY ADOPTED INTERNAL GOP REGULATIONS RELATED TO APPLICATIONS FOR THREE-YEAR OPERATING PERMITS, BRANIFF HAD BEEN OFFICIALLY ASKED ON SEPTEMBER 2 BY DGTA TO PUBLISH A CALL FOR A PUBLIC MEETING OF CONSULTATIVE AIR TRANSPORT COMMITTEE TO BE HELD SEPTEMBER 25. (UNDER PERUVIAN LAW, SUCH AN ANNOUNCEMENT MUST BE MADE IN PUBLIC GAZETTE THREE TIMES DURING 15 WORKING DAYS BEFORE THE PUBLIC COUNCIL MEETING.) BRANIFF HAS AGREED TO MAKE SUCH A ANNOUNCEMENT IN ORDER TO AVOID ANY POSSIBLE CHARGES BY THE GOP OF LACK OF COOPERATION ON BRANIFF'S PART. THE PUBLIC HEARING WILL PRESUMABLY RATIFY WHATEVER POSITION DGTA WISHES TO TAKE ON MATTER OF FREQUENCIES AND 20 PERCENT TAX. NORMALLY, DEL SOLAR EXPLAINED, IT TAKES TWO TO THREE WEEKS FOR DGTA TO ISSUE A NEW OPERATING PERMIT AFTER THE PUBLIC COUNCIL MEETING BUT THE PROCESS CAN BE GREATLY SPEEDED UP IF GOP SO DCIDES.

3. COMMENT: THIS LATTER STEP IS INTERPRETED BY EMBASSY AS COLLATERAL MEASURE ON PART OF THOSE AT DGTA LEVEL, IF NOT MINISTER MENESES HIMSELF, TO BRING ADDITIONAL PRESSURE TO BEAR ON BRANIFF PROBLEM DURING FORTHCOMING CONSULTATIONS. WHILE IT NOT CLEAR WHETHER GOP WOULD ACTUALLY ISSUE NEW OPERATING PERMIT, PRESUMABLY CONTAINING RESTRICTIONS, PRIOR TO ACTUAL START OF NEGOTIATIONS, SUCH A THREAT CANNOT BE DISMISSED OUT OF HAND, AS MENTIONED IN STATE 182087. MEANWHILE CANADIAN PACIFIC, ALTHOUGH COMPLYING WITH PAYMENT OF 20 PERCENT SURCHARGE ON FIFTH FREEDOM TRAFFIC, HAS ALSO RUN INTO COMPLICATIONS IN REGARD ITS FREQUENCIES WHICH WE ARE REPORTING SEPARATELY. THESE CONSIDERATIONS, OF COURSE, DEMONSTRATE ONCE AGAIN HOW DIFFICULT FORTHCOMING U.S.-PERUVIAN CONSULTATIONS ARE LIKELY TO BE.

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